

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE
OFFERED BY MR. MARKEY**

At the end of the bill, insert the following new section:

1 SEC. 4. DEFENSE OF FACILITIES.

2 (a) AMENDMENT.—Chapter 14 of the Atomic Energy
3 Act of 1954 (42 U.S.C. 2201–2210b) is amended by add-
4 ing at the end the following new section:

5 “SEC. 170C. DEFENSE OF FACILITIES.—

6 “Whenever a state of war or national emergency ex-
7 ists, the President is authorized to deploy the Armed
8 Forces of the United States, or the National Guard, to
9 defend facilities licensed by the Nuclear Regulatory Com-
10 mission under this Act from terrorist attack or threat
11 from any foreign power. The President is also authorized
12 to restrict air space in the vicinity of such facilities.”.

13 (b) TABLE OF SECTIONS AMENDMENT.—The table of
14 sections for chapter 14 of the Atomic Energy Act of 1954
15 is amended by adding at the end the following new item:

“Sec. 170C. Defense of facilities.”.

16 (c) SAVINGS.—Nothing in the amendment made by
17 subsection (a) shall be construed to limit the President’s
18 authority under any other Act or under the Constitution.